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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Derek Quen Wong,

10 Plaintiff,

11 v.

12 White Rock Phlebotomy LLC, et al.,

13 Defendants.
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No. CV-23-00234-TUC-EJM

ORDER

15 On February 13, 2024, Magistrate Judge Eric J. Markovich issued a Report and
16 Recommendation ("R&R") in which he recommended the Court enter an order granting
17 Plaintiff Derek Quen Wong's Motion for Entry of Default Judgment Against Defendants.
18 (Doc. 13.) Judge Markovich notified the parties that they had fourteen (14) days from the
19 date of the R&R to file any objections. (*Id.* at 18.) No objections were filed.

20 If neither party objects to a magistrate judge's R&R, the District Court is not
21 required to review the magistrate judge's decision under any specified standard of
22 review. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). However, the statute for review of a
23 magistrate judge's recommendation "does not preclude further review by the district
24 judge, *sua sponte* or at the request of a party, under a *de novo* or any other standard."
25 *Thomas*, 474 U.S. at 154.

26 The Court has reviewed the Complaint (Doc. 1), Motion for Default Judgment
27 (Doc. 12), and Judge Markovich's R&R (Doc. 13). It finds Judge Markovich's
28 conclusions thorough and well-reasoned. Accordingly, the Court agrees with the

1 recommendation.

2 **IT IS THEREFORE ORDERED:**

3 1) Magistrate Judge Markovich's Report and Recommendation is **ADOPTED**. (Doc.
4 13.)

5 2) Plaintiff's Motion for Default Judgment is **GRANTED**. (Doc. 12.)

6 3) Plaintiff shall be awarded damages as follows:

7 a. On his Arizona Wage Act Claim against Defendant White Rock
8 Phlebotomy:

- 9 i. \$31,249.98 in unpaid wages;
10 ii. an additional \$62,499.96 as treble damages on the unpaid wages;
11 iii. pre-judgment interest of 10% per annum on the unpaid wages from
12 March 1, 2023, to the date of entry of default judgment;¹ and
13 iv. post-judgment interest on all amounts awarded.

14 b. On his Arizona Minimum Wage Act Claim against Defendant Caroline
15 Anne Lebiecki:

- 16 i. \$6,906.40 in minimum wages due;
17 ii. an additional \$13,812.80 as treble damages;
18 iii. pre-judgment interest of 10% per annum on the unpaid wages from
19 March 1, 2023, to the date of entry of default judgment; and
20 iv. post-judgment interest on all amounts awarded.

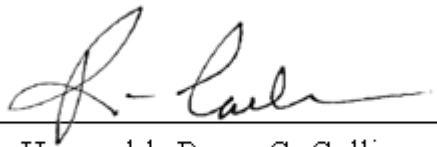
21 c. On his Breach of Contract Claim against Defendant White Rock
22 Phlebotomy and Defendant Caroline Anne Lebiecki, joint and severally:

- 23 i. \$834.30 for unreimbursed expenses;
24 ii. pre-judgment interest of 10% per annum on the unreimbursed
25 expenses from March 1, 2023, to the date of entry of default
26 judgment; and
27 iii. post-judgment interest.

28 ¹ The Court calculates monthly interest of \$260.31 (\$31,249.98 x 0.00833). The total interest owed would be \$3,123.72 (\$260.31 x 12 months).

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2 4) Plaintiff shall be allowed to file a fee application within fourteen (14) days of the
3 date of entry of default judgment.

4 Dated this 29th day of February, 2024.

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10 Honorable Raner C. Collins
11 Senior United States District Judge
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